

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Philip Proctor

Respondent

Civil Citation No.73013

1621 Hardwick Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 2, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, failure to remove contractor's equipment storage yard on residential property known as 1621 Hardwick Road, 21286.

On February 1, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ed Creed issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,600.00 (one thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Philip Proctor, Respondent and Ed Creed, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 26, 2010 for removal of contractor's equipment storage yard, and removal of debris and materials from this residential property. This Citation was issued on February 1, 2010. This Hearing was postponed due to inclement weather.

B. Inspector Ed Creed testified that notices were issued following a sweep in Loch Raven Village. He testified that Respondent is storing large spools of wire on his rear patio. Photographs in the file show a large commercial spool of yellow wire or cable, and a smaller spool of blue cable. He further testified that Respondent told him he had the spools for his job.

C. Respondent Philip Proctor testified that the spools of wire are materials he uses for his job, and that he took them off his truck because he needed to use the truck to haul other things. He further testified that when the wire on the large spool is used up, he plans to use the wooden reel for a picnic table.

D. Under Baltimore County Zoning Regulations, a contractor's equipment storage yard is the use of any space, inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage. BCZR Section 101.1. The zoning regulations do not permit use of residential property for a contractor's equipment storage yard. BCZR Section 102.1 ("No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations...."); BCZR Section 1B01.1, General use regulations in D.R. Zones; see BCZR Article 2, Schedule of Special Exceptions, 2 Attachment 1:1 (chart showing this use prohibited in all residential zones; use permitted by special exception in B.R. zone, and permitted in M.L. and M.H. zones). The spools of wire or cable that Respondent uses for his employment is contractor's equipment and building materials, and it cannot be stored at his residence.

E. Because compliance is the goal of code enforcement, and Respondent has agreed to remove the spools from his residential property, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection by March 22, 2010 finds the violation corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.